

Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 84

SENATE BILL 1042

AN ACT

AMENDING TITLE 23, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-1412; PROVIDING FOR THE DELAYED REPEAL OF SECTION 23-1412, ARIZONA REVISED STATUTES; RELATING TO ORGANIZATIONAL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 8, article 6, Arizona Revised Statutes,
3 is amended by adding section 23-1412, to read:

4 23-1412. Department of public safety; employee organizations;
5 terms and conditions of employment; definitions

6 A. THE DEPARTMENT OF PUBLIC SAFETY IS RECOGNIZED AS THE SOLE AND
7 EXCLUSIVE AUTHORITY PURSUANT TO LAW WITH RESPECT TO DETERMINING THE LEVEL OF
8 AND THE MANNER IN WHICH THE DEPARTMENT OF PUBLIC SAFETY ACTIVITIES ARE
9 CONDUCTED, MANAGED AND ADMINISTERED. IT IS THE EXCLUSIVE RIGHT OF THE
10 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO ESTABLISH AND MAINTAIN
11 DEPARTMENTAL RULES AND PROCEDURES FOR THE ADMINISTRATION OF THE DEPARTMENT OF
12 PUBLIC SAFETY.

13 B. DEPARTMENT EMPLOYEES OR EMPLOYEE ORGANIZATIONS SHALL NOT ENGAGE IN
14 A SICKOUT, WORK SLOWDOWN OR STRIKE OR ANY OTHER ACTION THAT WILL DISRUPT THE
15 DELIVERY OF SERVICES.

16 C. THIS SECTION SHALL NOT BE CONSTRUED TO:

17 1. AFFECT OR LIMIT THE EXISTING RIGHT OF THE DEPARTMENT OF PUBLIC
18 SAFETY TO:

19 (a) DIRECT THE WORK OF DEPARTMENT EMPLOYEES.

20 (b) HIRE, PROMOTE, DEMOTE, TRANSFER, ASSIGN AND RETRAIN DEPARTMENT
21 EMPLOYEES.

22 (c) SUSPEND, DISCHARGE OR DISCIPLINE DEPARTMENT EMPLOYEES.

23 (d) MAINTAIN THE EFFICIENCY OF GOVERNMENTAL OPERATIONS.

24 (e) RELIEVE DEPARTMENT EMPLOYEES FROM JOB RESPONSIBILITIES DUE TO LACK
25 OF WORK OR OTHER LEGITIMATE REASONS.

26 2. INVALIDATE OR LIMIT OTHER RIGHTS, REMEDIES OR PROCEDURES OF THIS
27 STATE RELATING TO ANY ISSUE OF EMPLOYMENT OF DEPARTMENT EMPLOYEES.

28 D. THE DEPARTMENT OF PUBLIC SAFETY SHALL:

29 1. ALLOW DEPARTMENT EMPLOYEES THE RIGHT TO FORM AND JOIN EMPLOYEE
30 ORGANIZATIONS.

31 2. RECOGNIZE AN EMPLOYEE ORGANIZATION THAT IS ELECTED BY A MAJORITY OF
32 THE DEPARTMENT EMPLOYEES.

33 3. AGREE TO MEET AND CONFER WITH THE ELECTED EMPLOYEE ORGANIZATION
34 REGARDING HOURS AND TERMS AND CONDITIONS OF EMPLOYMENT. THE TERMS AND
35 CONDITIONS DISCUSSED PURSUANT TO THIS PARAGRAPH SHALL NOT INCLUDE WAGES.

36 4. COMMIT ANY AGREEMENTS REGARDING WORKING CONDITIONS AND HOURS TO
37 WRITING IN A CONTRACT.

38 E. THE ELECTED EMPLOYEE ORGANIZATION AND DEPARTMENT OF PUBLIC SAFETY
39 SHALL MEET AND CONFER ON A REGULAR BASIS, AT LEAST ONCE EVERY TWO YEARS, TO
40 DISCUSS HOURS OF EMPLOYMENT AND OTHER CONDITIONS OF EMPLOYMENT OF DEPARTMENT
41 EMPLOYEES. ON THE REQUEST OF THE EMPLOYEE ORGANIZATION, THE DEPARTMENT OF
42 PUBLIC SAFETY SHALL MEET AND CONFER WITH THE EMPLOYEE ORGANIZATION IN GOOD
43 FAITH AT REASONABLE TIMES. IF THE DEPARTMENT OF PUBLIC SAFETY AND THE

1 EMPLOYEE ORGANIZATION REACH AN AGREEMENT, THE AGREEMENT SHALL BE SUBMITTED TO
2 THE GOVERNOR FOR CONSIDERATION PURSUANT TO SUBSECTION G OF THIS SECTION.

3 F. IF AN AGREEMENT IS NOT REACHED AND THE POSSIBILITY OF SETTLEMENT IS
4 REMOTE AFTER THE PARTIES MEET AND CONFER FOR A REASONABLE PERIOD OF TIME, THE
5 DEPARTMENT OF PUBLIC SAFETY OR THE EMPLOYEE ORGANIZATION MAY OFFER TO THE
6 OTHER PARTY A WRITTEN REQUEST TO BEGIN A MEDIATION PROCESS. THE MEDIATION
7 PROCESS SHALL BE VOLUNTARY AND NONBINDING. THE MEDIATION PROCESS SHALL USE A
8 NEUTRAL THIRD PARTY MEDIATOR TO ASSIST THE PARTIES IN REACHING A VOLUNTARY
9 AGREEMENT. DURING THE MEDIATION PROCESS, EACH PARTY SHALL AGREE TO MAKE A
10 GOOD FAITH ATTEMPT TO RESOLVE THE ISSUES, TO COOPERATE WITH THE MEDIATOR AND
11 TO BE OPEN, CANDID AND COMPLETE. THE MEDIATOR SHALL ONLY FACILITATE THE MEET
12 AND CONFER PROCESS AND SHALL NOT IMPOSE ANY TERM OF THE AGREEMENT ON THE
13 PARTIES. IF THE PARTIES REACH AN AGREEMENT DURING THE MEDIATION PROCESS, THE
14 AGREEMENT SHALL BE SUBMITTED TO THE GOVERNOR FOR CONSIDERATION PURSUANT TO
15 SUBSECTION G OF THIS SECTION. IF THE MEDIATION PROCESS DOES NOT RESOLVE ALL
16 DISPUTED ISSUES BETWEEN THE PARTIES, EITHER PARTY MAY ADVISE THE GOVERNOR OF
17 THE ISSUES THAT REMAIN IN DISPUTE.

18 G. THE GOVERNOR SHALL REVIEW ANY AGREEMENT OR PROPOSED COMPROMISE THAT
19 IS REACHED UNDER THIS SECTION. THE GOVERNOR MAY REJECT, ACCEPT OR MODIFY ANY
20 AGREEMENT OR COMPROMISE AFTER CONSIDERING THE INTERESTS OF THE DEPARTMENT
21 EMPLOYEES AND THE PUBLIC INTEREST. ANY AGREEMENT OR COMPROMISE IS SUBJECT TO
22 ALL APPLICABLE STATUTORY LIMITATIONS FOR THE DEPARTMENT OF PUBLIC
23 SAFETY. THE FINAL DECISION BY THE GOVERNOR SHALL BE BINDING.

24 H. THE DEPARTMENT OF PUBLIC SAFETY SHALL RECORD THE PROCEEDINGS OF
25 EACH MEETING WITH AN EMPLOYEE ORGANIZATION.

26 I. THE DEPARTMENT OF PUBLIC SAFETY MAY ADOPT POLICIES TO GOVERN THE
27 PROCESS ESTABLISHED PURSUANT TO THIS SECTION.

28 J. FOR THE PURPOSES OF THIS SECTION "EMPLOYEE ORGANIZATION" MEANS ANY
29 ORGANIZATION OF ANY KIND, OR ANY AGENCY OR EMPLOYEE REPRESENTATION COMMITTEE
30 OR PLAN, IN WHICH EMPLOYEES PARTICIPATE AND WHICH EXISTS FOR THE PURPOSE, IN
31 WHOLE OR IN PART, OF DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR
32 DISPUTES, TRAINING, HOURS OF EMPLOYMENT OR OTHER CONDITIONS OF EMPLOYMENT.

33 Sec. 2. Delayed repeal

34 Section 23-1412, Arizona Revised Statutes, as added by this act, is
35 repealed from and after December 31, 2009.

36 Sec. 3. Purpose

37 The purpose of the meet and confer process established by section
38 23-1412, Arizona Revised Statutes, as added by this act, is to improve the
39 quality and operation of the department of public safety.

APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

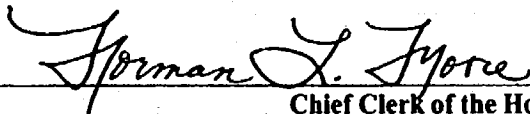
Passed the House April 11, 20 05

by the following vote: 45 Ayes,

12 Nays, 3 Not Voting



Speaker of the House

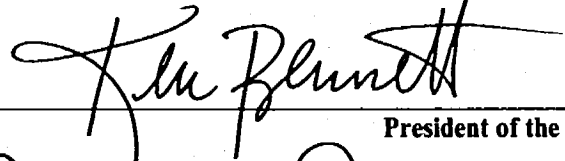


Chief Clerk of the House

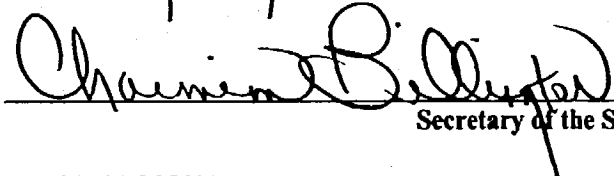
Passed the Senate March 10, 20 05

by the following vote: 22 Ayes,

7 Nays, 1 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of April, 20 05

at 12:39 o'clock P. M.

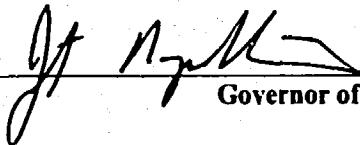


Secretary to the Governor

Approved this 18 day of

April, 20 05,

at 1:40 o'clock A. M.



Governor of Arizona

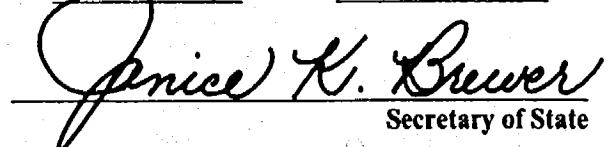
S.B. 1042

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 20 05,

at 4:42 o'clock P. M.



Secretary of State